

WHITE COUNTY BOARD MEETING  
APRIL 11, 2006

A special meeting of the White County Board begun and holden this 11<sup>th</sup> day of April, 2006 in the Courtroom of the White County Courthouse in the city of Carmi.

Chairman Wooten called the meeting to order at 7:00 p.m.

Clerk Dozier called the roll with Nelson, Ray, Mitchell, Trout and Wooten all present.

Chairman Wooten asked the Board if they had received copies of the minutes of the previous meeting and were there any additions, changes or deletions. Mr. Trout made a motion to waive the reading of the minutes of the previous meeting and approve the minutes of the previous meeting as proposed in writing. Motion seconded by Ray. Motion passed 5-0 on roll call vote.

Chairman Wooten asked for a motion to pay all current bills. Mr. Trout made a motion to pay all current bills, seconded by Nelson. Motion carried 5-0 on roll call vote.

Chairman Wooten asked Clerk Dozier how the new election equipment performed and the Clerk responded that there were a few minor problems but that is to be expected when dealing with new technology and hopefully the problems will be ironed out by the November 7<sup>th</sup> Election. Chairman Wooten asked how many individuals participated in early voting and Clerk Dozier stated that she had 127 people use the new Touch Screen Computers.

Chairman Wooten asked Sheriff Maier if he had a report and the Sheriff stated that they just had a City/County Jail meeting and he had submitted his report to the full Board.

Chairman Wooten stated that the next 9-1-1 meeting would be held on Monday, April 17, 2006 at 7:00 p.m. in the Courtroom.

Chairman Wooten asked if there were any visitors who would like to address the Board. Mrs. Debbie Kittinger of the White County Senior Citizens stated that she would like to address the Board. Mrs. Kittinger stated that she would like to thank the Board for their donation. Mrs. Kittinger stated that the Center's budget had been cut severely and that she was very appreciative of the donation, because of the financial situation of the County. Mrs. Kittinger stated that the Carmi/White County Senior Citizens employees 9 full time employees and 1 part-time. She stated that the Center also utilizes the Community Service Program. Mrs. Kittinger also stated that there were 30,000 meals served at the Center last year and another 20,000 home deliveries. Mrs. Kittinger presented a thank you card to Board signed by their patrons and employees.

Chairman Wooten stated that the Board had received a thank you note from the Enfield Senior Citizens for the County's contribution.

Chairman Wooten asked if there were any other individuals who would like to address the Board. Mr. Tony Nelson stated that he would like to speak to the Board concerning the Ambulance Service. Mr. Nelson stated that the Ambulance referendum had been defeated and that he thought that the Board should look at the management of the Service and the billing before asking the taxpayers to pay more. Mr. Nelson stated that in a Board meeting Mr. Heckler stated that the Service had one year to bill Medicare. Mr. Nelson stated that any individual in business knows that they have to keep the billing current to keep a positive cash flow. Chairman Wooten stated that he had personally spoken to White County's Medicare Billing Representative and he reassured Mr. Wooten that the Medicare billing was correct and current. Mr. Nelson stated that he felt it was his civic duty to volunteer to oversee the Ambulance Service for no pay. To try and accomplish the goal of getting the Service back on track and then the Board could appoint a Director from within the organization who would know what was going on.

Mr. Ray stated that the offer was very admirable and he appreciated Mr. Nelson in coming forward. Mr. Ray stated that he had received a copy of a bill from an individual who had used the ambulance service in September of

2005 and had just been billed in March of 2006. Mr. Trout stated that the Ambulance Committee would look into the matter to see why the delay in billing.

Chairman Wooten asked if there were any other visitors that would like to address the Board

Mrs. Mitchell stated that she was a member of the Greater Wabash Regional Planning Commission Board of Directors and that the Commission had just hired a new Director by the name of Sara Mann. Mrs. Mitchell also stated that the new Chairman of the Planning Commission Board was Charlotte St. Ledger.

Chairman Wooten stated that the next item on the agenda was to consider the re-appointment of Wanda Campbell to a one-year term on the Coleman Tri-County Services Board of Directors. Mr. Nelson made a motion to re-appoint Mrs. Campbell, seconded by Ray. Motion passed 5-0 on roll call vote.

Chairman Wooten stated that the next item on the agenda was to consider the purchase of two dump trucks for the White County Highway Department. Mr. Bosaw, County Engineer stated that the Highway Department's dump trucks were worn out and by being a member of the State's Bid/Purchase Program it would allow the County to purchase a new International Dump truck for \$64,661.00. Mr. Bachman the foreman at the Highway Department stated that the Highway would like to finance the purchase of one dump truck through Old National Bank for a three or four year loan at 4.91% interest. Mr. Bachman stated that the blades being used on the current dump truck would fit on the new truck and the monies to pay for the loan would come from federal aid matching and would be transferred into the County Highway General Fund under Capital Outlay Equipment. Mrs. Mitchell made a motion to approve the purchase and financing of a new International dump truck in the amount of \$64,661.00 to be financed through Old National Bank at an interest rate of 4.91%. Motion seconded by Trout. Motion passed 5-0 on roll call vote.

Chairman Wooten stated that the State's Attorney has drafted a Spill Pay Ordinance for the Mass Casualty Trailer as discussed at the March meeting. Sheriff Maier stated that if a Company has a disaster which requires the use of the Mass Casualty Trailer. The Company would be billed to replenish the supplies used in their disaster so the County and the taxpayers would not be out the expense to restock the trailer after each usage. Sheriff Maier stated that the Mass Casualty Trailer would be stored inside the old Impound Building. Sheriff Maier stated that Mike Knight, Community Service Coordinator and his crew cleaned up the building and that has provided space to store the trailer. Sheriff Maier stated that Mr. Knight had done a great job in the clean-up detail because that is the cleanest the Impound Building has ever been. Sheriff Maier also informed the Board that the truck to pull the Mass Casualty Trailer should be in sometime next week. Mr. Ray asked Mr. Maier if the Sheriff's Department could use the truck for other things than pulling the trailer and the Sheriff replied that he could use it for drug clean-up, but he did not think that would be to economical.

#### **AN ORDINANCE ESTABLISHING A RESPONSE FEE FOR COSTS INCURRED DUE TO A HAZARDOUS MATERIALS INCIDENT**

WHEREAS, uncontrolled hazardous materials and environmentally damaging substances create public safety emergencies endangering the health, safety and welfare of the citizens of White County, Illinois and the cause environmental damage; and,

WHEREAS, the County Board for the County of White deems that providing emergency services to mitigate the effects of hazardous substances is an expensive public service for which costs should be assessed against persons responsible for hazardous waste incidents.

NOW, THEREFORE, BE IT ORDAINED BY THE WHITE COUNTY BOARD, WHITE COUNTY ILLINOIS, as follows:

**Section 1.** That this Ordinance shall be known as the **White County Hazardous Materials and Environmentally Damaging Substance Ordinance.**

ARTICLE 1. GENERAL PROVISIONS  
Sec. 1. Definitions

1. County. White County, Illinois and Departments therein Including but not limited to the Sheriff's department.
2. Cleanup. "Cleanup" includes all the activities necessary to contain, collect, analyze, treat, disperse, remove and dispose of hazardous materials and or environmentally damaging substances and to restore the site to pre-incident condition.
3. Cleanup Contractor. A person, company, corporation, or other entity that performs cleanup activities at hazardous materials release sites.
4. Costs. All expenses incurred by the County for any fire fighting, medical treatment, remedial, removal, or cleanup activities involving a hazardous material or environmentally damaging substance release or threatened release of fire. Costs include, but, are not limited to contractual services, wages, salaries, damaged or destroyed equipment, spill control supplies, protective clothing, fire fighting or vapor suppressing foam, medical care and medical supplies. Costs include expenses incurred for the supervision and verification of remedial and cleanup activities.
- E. Environmentally damaging substances. Any substance which, if spilled or released into the environment in sufficient quantity that will cause actual or potential public health risks or damage to the environment if not "cleaned-up."
- F. Sheriff's Department. The White County Sheriff's Department.
- G. Facility. Any building, structure, installation equipment, pipe or pipeline including, but not limited to, any pipe into a sewer or publicly owned treatment works, well pit, pond, lagoon, impoundment ditch, landfill storage container, motor vehicle, rolling stock or aircraft or any other thing into which substances have been deposited, stored or transported.
- H. Hazardous Materials. Substances or materials in quantity and/or forms which may pose an unreasonable risk to public health, safety or the environment when stored, transported or used in commerce. Such materials include, but are not limited to: explosives, blasting agents, chemicals, poisons, flammable gases, corrosives, oxidizers, organic peroxides, flammable solids, radioactive materials or etiological agents. Hazardous materials also include hazardous substances and hazardous wastes.
- I. Hazardous Substances. Any substances designated under the Clean Water Act and Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (42 USC Sec. 9601 et seq.), as now or hereafter amended, as posing a threat to the waterways and the environment when released and that can produce an adverse effect on the public health or safety.
- J. Hazardous Waste. Discarded materials under Resource Conservation and Recovery Act (RCRA) (42 USC Sec. 9601 et seq.), regulated by the United States Environmental Protection Agency because of public health and safety concerns.
- K. Extremely Hazardous Substances. Products that have an extremely high degree of toxicity.
- L. Incident. A fire, release or threatened release, of hazardous materials or environmentally damaging substances.

- M. Person. Any individual, business, firm, partnership, corporation, association, trust, estate, joint venture, or other legal entity, or their legal representative or agent.
- N. Placard Vehicle. A vehicle, that when transporting hazardous materials, is require by the United States Department of Transportation to be marked with placards to warn emergency responders of the hazardous cargo, pursuant to the Hazardous Materials Transportation Act., (USC Sec. 1801 et seq.).
- O. Release. Any spills, leaking, pumping, pouring, emitting, escaping, emptying, discarding, injecting, leaching, dumping, disposing, exploding, or burning of hazardous materials or environmentally damaging substances.
- P. Remedial Action. Any action consistent with the remediation of a release or the prevention of a threatened release of hazardous materials or environmentally damaging substances into the environment. The term includes, but is not limited to, actions at the location of a release such as diking, damming, trenching, covering, diverting, foaming, neutralizing, isolating, burning, closing, plugging, moving repairing, transferring, recycling, etc. The actions required may also include the evacuation, sheltering and feeding of people, provision of alternative water supplies and other activities to protect the public health and welfare and the environment.
- Q. Owner. Owner includes both legal and beneficial title or interest holder and is not limited to record title holder.
- R. Responsible Party or Parties. The “responsible party” includes the following:
1. The owner and operator of a facility or vessel from which there is a fire or release or threatened release of hazardous materials or environmentally damaging substances;
  2. Any person who at the time of disposal, transport, storage, or treatment of hazardous materials or environmentally damaging substances owned or operated the facility or vehicle used for such disposal, transport, treatment or storage from which there was a fire, release, or threatened release of hazardous materials, or environmentally damaging substances;
  3. Any person who by contract, agreement, or otherwise has arranged with another party or entity for transport, storage, disposal, or treatment of hazardous materials, or environmentally damaging substances owned, and operated by another party or entity from which there is a fire, release, or threatened release of such hazardous materials or environmentally damaging substances;
  4. Any person who accepts any hazardous materials or environmentally damaging, substances for transport to disposal, storage, or treatment sites from which there is a fire, release, or threatened release of hazardous materials or environmentally damaging substances;
  5. Any person who owned, operated, or otherwise controlled activities at any abandoned facility or vehicle immediately prior to abandonment.

Section 2.      RELEASE OF HAZARDOUS MATERIALS OR ENVIRONMENTALLY DAMAGING SUBSTANCES:

- A.      Unlawful release prohibited.

No person shall cause, threaten, or allow the release of hazardous materials or environmentally damaging substances, unless such release is in accordance with an appropriate permit granted by the Illinois Environmental Protection Agency or other State or Federal Agency having primary authority over the release and such release is in such a place and manner as will not create a substantial present or potential hazard to human health property or the environment. Any prohibited release is hereby declared a public nuisance.

- B. Response authority.  
The Sheriff's Department shall have the authority to respond to and control all activities at the fire, release or threatened release involving hazardous materials or environmentally damaging substances and perform such remedial activities as are deemed necessary to control any incident within the County or in areas where such release threatens the public health or environment of the County.
- C. Emergency Purchases.  
Emergency purchases during an incident and cleanup from a fire, release or threatened release may be made by the Sheriff, or Emergency Manager or their designee.
- D. Cleanup and remediation required.
  - 1. A responsible party or parties shall cleanup the facility and site which there has been a fire, release or threatened release of hazardous materials or environmentally damaging substances. The removal shall be in accordance with State and Federal Laws, Rules and Regulations. The site shall be restored to pre-incident condition and meet Illinois Environmental Protection Agency (IEPA) Standards. The site shall be restored to pre-incident conditions and shall be free of noticeable odors or liquid runoff. Any remedial action shall prevent or minimize the release of hazardous materials or environmentally damaging substances to prevent a substantial present or potential hazard to public health, property or the environment.
  - 2. The IEPA shall supervise and verify the adequacy of all remedial and cleanup actions.
  - 3. The Sheriff, or his designee, shall have the authority to order the responsible party or parties of a fire, release or threatened release of hazardous materials to hire a cleanup contractor to cleanup the site if the responsible party or parties are not equipped or prepared to properly handle hazardous material or environmentally damaging substances.
  - 4. In the event that a responsible party or parties fails or refuses to cleanup or remediate an incident, or in the event of an emergency incident, County shall cleanup the site and shall assess all costs against the responsible party or parties as provided elsewhere in this Ordinance.

Section 3.        LIABILITY FOR COSTS:

- A. Each responsible party or parties shall be liable to the Sheriff's Department or County for all costs incurred by the County resulting from a fire, release or threatened release involving hazardous materials or environmentally damaging substances.
- B. Payment for incurred costs.  
Each responsible party shall remit payment to the County within thirty, (30) days upon written notification of costs by the County.

Section 4.        REQUIREMENTS FOR PERSONS HANDLING HAZARDOUS MATERIALS:

- A. Notification of hazardous materials required.  
Any person using, producing, researching, and/or storing hazardous materials shall notify the Sheriff's Department. The notification shall include an accurate site safety plan and a list of all hazardous materials safety data sheets on each hazardous material at the Facility. A publication containing all the above information shall also be kept at the facility, to be used by facility personnel and responding fire Department personnel. The publication shall be placed in a prominent location so that it can be easily located during an emergency response or inspection.
- B. Safety Hazardous Materials storage required.  
Hazardous materials shall be stored in a safe manner. Products which, when in combination, react violently or create toxic fumes, vapors, or gasses, or become hazardous by reason of toxicity, oxidizing power, flammability, or other properties, shall not be stored in close proximity. Such materials, must be stored separately, segregated by distance, partitions, or other methods, so as to avoid unsafe combination or mixing.

Section 5.

RESPONSE FEE.

A "response fee" shall be paid to County for all costs incurred by County as a consequence of any remedial action taken by County. The "response fee" shall be paid by the responsible party or parties as elsewhere defined in this Ordinance. The "response fee" shall be the total sum of the "primary response fee" and "hourly fee" times the number of hours that the Specialized Response Team is on site; and, all other out-of-pocket costs and expenses.

- A. The primary response fee shall be in the amount of Seven Hundred Fifty Dollars (\$750.00) per hour for the first Two (2) hours and Five Hundred Dollars (\$500.00) per hour thereafter. The hourly fee shall be for the entire Specialized Response Team and shall be rounded to the nearest dollar for all hours that the Specialized Response Team is at the remediation site.
- B. In addition to the primary response fee and the hourly fee, all out-of-pocket costs, as elsewhere defined in this Ordinance, shall be assessed.

Section 6.

EXCLUDED.

The following are excluded from the scope of this Ordinance.

- A. Any food, food additive, color additive, drug, or cosmetic regulated by the Food and Drug Administration.
- B. Any substance present as a solid in any manufactured item to the extent exposure to the substance does not occur under normal conditions of use.
- C. Any substance to the extent it is used for personal, family, or household purposes, or is present in the same form and concentration as a product packaged for distribution and use by the general public.
- D. Any substance to the extent it is used in a research laboratory or a hospital or other medical facility under the direct supervision of technically qualified individuals.
- E. Any substance to the extent it is used in routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate customer.

Section 7.

ACCESS.

Upon request to an owner or operator of a facility which files a hazardous materials permit fee form under this ordinance, the owner or operator of the facility shall allow the County to conduct

an on-site inspection of the facility and shall provide to the White County Sheriff's Department specific location information on hazardous chemicals at the facility.

Section 8.        COURT COSTS AND ATTORNEY'S FEES.

Should it become necessary for the County to commence legal proceedings in order to collect any fees hereunder, then in addition to such fees, County shall be entitled to its attorney's fees and court costs, which shall be payable by the responsible party or their insured.

Section 9.        If any section, article, paragraph or provision of this Ordinance is held to be invalid or unenforceable for any reason, such invalidity or unenforceability of such section, article, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

Section 10.      This Ordinance shall be in full force and effect upon its passage and approval as provided by law.

Passed and approved this 11<sup>th</sup> day of April, 2006.

THE COUNTY OF WHITE

BY  
RON WOOTEN, WHITE COUNTY BOARD CHAIRMAN

MIKE RAY, WHITE COUNTY BOARD MEMBER

WAYNE NELSON, WHITE COUNTY BOARD MEMBER

NANCY MITCHELL, WHITE COUNTY BOARD MEMBER

WES TROUT, WHITE COUNTY BOARD MEMBER

Prepared By:

T. Scott Webb  
White County State's Attorney  
P.O. Box 580  
Carmi, IL 62821  
(618) 382-7522

Mrs. Mitchell made a motion to adopt the spill pay ordinance, seconded by Ray. Motion carried 5-0 on roll call vote.

Chairman Wooten stated that the next item on the agenda was to consider the resignation of Roger Heckler as Acting Director of the White County Ambulance Service effective April 30, 2006. Mr. Wooten explained that the Ambulance Committee would be advertising and interviewing for that position. Mr. Trout made the motion to accept the resignation and advertise for a new Director, seconded by Nelson. Motion passed 5-0 on roll call vote.

Chairman Wooten stated that the Board needed an Executive Session for personnel and litigation. Mr. Ray made a motion to go into Executive Session, seconded by Nelson. Motion passed 5-0 on roll call vote.

Mr. Nelson made a motion to come out of Executive Session, seconded by Trout. Motion carried 5-0 on roll call vote.

Mr. Ray stated that he would like to address a couple of items under other business. Mr. Ray stated that the Sheriff's Department and City/County Jail needs a new roof and it is estimated to cost around \$58,000.00 to replace. Mr. Trout stated that the jail has a flat roof and also most of the air conditioners are mounted on the roof. Mr. Ray replied that was correct. Chairman Wooten stated that if the expenditure exceeded \$20,000.00 it must be advertised for bid. Chairman Wooten suggested that the jail committee have the Sheriff advertise the project for bid and put it on the County Board agenda. Mr. Ray stated that he saw a county employee in Evansville having a drug test and was wondering if there was not a facility here that could do that testing. Chairman Wooten stated he was not aware of another facility since the hospital closed.



Chairman Wooten stated that the next meeting would be held on Tuesday, May 9, 2006 at 7:00 p.m. in the Courtroom.

Mr. Nelson made a motion to adjourn, seconded by Mitchell. Motion passed 5-0 on roll call vote.